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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

<hr/>		Case No: 3:19-cv-00661-LRH-WGC
GREAT BASIN RESOURCE WATCH; et al.,)	
)	
Plaintiffs,)	JOINT STIPULATION
)	and PROPOSAL REGARDING
vs.)	INITIAL CASE MANAGEMENT
)	and PRELIMINARY RELIEF
UNITED STATES DEPARTMENT OF THE)	AND ORDER THEREON
INTERIOR; et al.,)	
)	
Defendants.)	
)	
EUREKA MOLY, LLC,)	
)	
(Proposed) Defendant-Intervenor.)	
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1 Plaintiffs, the Federal Defendants, and proposed Defendant-Intervenor Eureka Moly,
2 LLC (EML), agree and stipulate as follows:

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4 WHEREAS, Plaintiffs filed their Complaint for Vacatur, Equitable, Declaratory and Injunctive
5 Relief on October 31, 2019 (ECF #1), and provided a copy of the Complaint to counsel for EML
6 and completed service upon the Federal Defendants on November 12, 2019.

7 WHEREAS, on December 17, 2019, Plaintiffs filed their First Amended Complaint, (ECF #14).

8 WHEREAS, on March 11, 2020, EML submitted its Motion to Intervene (ECF #23), which
9 Plaintiffs do not oppose.

10 WHEREAS, Plaintiffs have informed counsel for Federal Defendants and EML that Plaintiffs
11 intend on filing a Motion for Preliminary Injunction to enjoin any significant ground disturbance
12 and operations authorized by the challenged Bureau of Land Management's (BLM) Record of
13 Decision (ROD) which approved the Mt. Hope Project's plan of operations on federal lands.

14 WHEREAS, EML, in response, informed Plaintiffs that EML does not anticipate conducting any
15 significant ground disturbance or operations associated with the Mt. Hope Project in the
16 reasonably foreseeable future. As a result of EML's current economic conditions, all significant
17 ground disturbance or operations at the Mount Hope Project had ceased in 2013 and none has
18 commenced since the issuance of the challenged ROD on September 27, 2019. The only
19 ongoing ground-disturbance or operations are related to agency-approved and required
20 maintenance of existing storm-water controls, geotechnical sampling within the existing
21 disturbed lands, facility and road maintenance and preservation, receiving equipment and
22 materials for storage on existing disturbed lands, reclamation required by permit(s), building
23 removal, site cleanup, limited security and protective fencing of currently-existing laydown
24 yards and building and structural areas, monitor well construction and monitoring required by
25 existing permit(s), environmental compliance and protection activities required by existing
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1 permit(s), and other incidental site infrastructure improvements (e.g., phones, radio, temporary
2 power, potable water).

3 WHEREAS, Plaintiffs represent that, in light of EML's representation that it does not anticipate
4 conducting any significant ground disturbance associated with the Mt. Hope Project in the
5 reasonably foreseeable future, the filing of a Motion for Preliminary Injunction is not warranted
6 at this time.

7
8 THEREFORE, the Parties agree and stipulate:

- 9
- 10 1. If EML decides to commence significant ground disturbance or operations approved
11 under the ROD, EML will provide at least sixty (60) days written notice to Plaintiffs
12 before commencing significant ground disturbance or operations associated with the Mt.
13 Hope Mine.
 - 14 2. In the event that EML provides such 60 days' notice, Plaintiffs may file a Motion for
15 Preliminary Injunction to seek to enjoin such significant ground disturbance or operations
16 pending this Court's resolution of the case on the merits.
 - 17 3. If EML provides such 60 days' notice, Plaintiffs will provide at least two weeks' notice
18 to EML and Federal Defendants of Plaintiffs' intent to file a Motion for Preliminary
19 Injunction.
 - 20 4. At any time, if Plaintiffs reasonably believe that EML is conducting significant ground
21 disturbance or operations associated with the Mt. Hope Project, Plaintiffs may file a
22 Motion for Preliminary Injunction to seek to enjoin such significant ground disturbance
23 or operations pending this Court's resolution of the case on the merits.
 - 24 5. The Parties respectfully request that, upon the conclusion of briefing on any Motion for
25 Preliminary Injunction, this Court schedule oral argument on the Motion for Preliminary
26 Injunction at its earliest convenience and prior to EML's initiation of significant ground
27 disturbance or operations.
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1 6. The Parties will commence discussions regarding a schedule for submission and review
2 of the administrative record and briefing on the merits of this case and will submit a
3 proposal to the Court for its consideration.
4

5 Respectfully submitted this 12th day of March, 2020.
6

7 STIPULATED AND AGREED:
8

9 /s/ Roger Flynn
10 Roger Flynn, (Colo. Bar # 21078), *Pro Hac Vice*
11 Jeffrey C. Parsons, (Colo. Bar # 30210), *Pro Hac Vice*
12 WESTERN MINING ACTION PROJECT
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23 Attorneys for Plaintiffs

24 JEAN E. WILLIAMS
25 Deputy Assistant Attorney General

26 /s/ Michelle-Ann C. Williams
27 MICHELLE-ANN C. WILLIAMS
28 United States Department of Justice
29 Environment & Natural Resources Division
30 Natural Resources Section
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35 Attorneys for Federal Defendants

1 /s/ Jim B. Butler

2 Jim B. Butler, Nevada Bar No. 8389

3 Ashley C. Nikkel, Nevada Bar No. 12838

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10 Attorneys for Eureka Moly, LLC

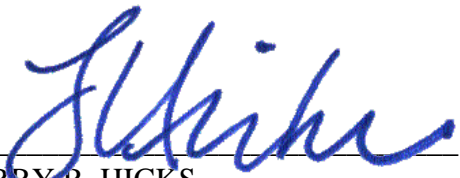
11 Certificate of Service

12 I, Roger Flynn, attest that on this 12th day of March, 2020, I served this document to all counsel
13 by filing it with this Court's ECF filing system.

14 /s/ Roger Flynn

15 **IT IS SO ORDERED**

16 DATED this 19th day of March, 2020.

17 
18 LARRY R. HICKS
19 UNITED STATES DISTRICT JUDGE
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